Supreme Court, U. S.
FILED
MAR 31 1977
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1229

ETTA LEE KELLNER,
Petitioner,

VERSUS

KARNES CITY INDEPENDENT SCHOOL DISTRICT, ET AL.,
Respondents.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 76-2131

Summary Calendar *

MS. ETTA LEE KELLNER,

Plaintiff-Appellant,

versus

KARNES CITY INDEPENDENT SCHOOL DISTRICT, ET AL.,

Defendants-Appellees.

Appeal From the United States District Court for the Western District of Texas

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(October 6, 1976)

Before GODBOLD, DYER and HILL, Circuit Judges.

PER CURIAM:

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* Rule 18, 5 Cir.; *see* Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al., 5 Cir., 1970, 431 F. 2d 409, Part I.

After careful and exhaustive review of the record and of the contentions of the parties, we AFFIRM on the basis of the memorandum opinion and order of the trial court filed February 12, 1976.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK
November 24, 1976

EDWARD W. WADSWORTH
CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA. 70130

TO ALL COUNSEL OF RECORD

NO. 76-2131 - Ms. Etta Lee Kellner v. Karnes City Independent School District, etc., ET AL.

Dear Counsel:

This is to advise that an order has this day been entered denying the petition ( ) for rehearing, and no member of the panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the petition ( ) for rehearing en banc has also been denied.

See Rule 41, Federal Rules of Appellate Procedure for issuance and stay of the mandate.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By /s/ Susan M. Gravois
Deputy Clerk

/smg

cc: Mr. Larry Watts
Mr. Emerson Banack, Jr.
Mr. J. Michael Myers

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED: November 24, 1976

NO. 76-2131

MS. ETTA LEE KELLNER,

Plaintiff-Appellant,

versus

KARNES CITY INDEPENDENT SCHOOL DISTRICT,
A political subdivision of the state of Texas; ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the
Western District of Texas

ON PETITION FOR REHEARING AND PETITION FOR
REHEARING EN BANC

(Opinion October 6, 1976, 5 Cir., 197___,
_____ F. 2d _____).

(NOVEMBER 24, 1976)

Before GODBOLD, DYER and HILL, Circuit Judges.

PER CURIAM:

(✓) The Petition for Rehearing is DENIED and no member of this panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, (Rule 35 Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the Petition for Rehearing En Banc is DENIED.

* * *

ENTERED FOR THE COURT:

/s/ James C. Hill
United States Circuit Judge

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument was mailed, this 29th day of March, 1977, certified, return receipt requested, postage prepaid to:

Mr. Emerson Banack, Jr.
FOSTER, LEWIS, GARDNER, LANGLEY & BANACK
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San Antonio, Texas

Mr. J. Michael Myers
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2000 Frost Bank Tower
San Antonio, Texas

Larry Watts per mas
LARRY WATTS